

RICHARD LOVATT

IBLA 76-730

Decided October 27, 1976

Appeal from the decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 28152.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected when the offeror fails to execute fully the drawing entry card by not identifying on the card the state in which the parcel of land is located.

APPEARANCES: Richard Lovatt, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneously-filed drawing entry card of Richard Lovatt was drawn first by the New Mexico State Office, BLM, in the drawing held May 11, 1976, to determine the priority of consideration for awarding an oil and gas lease covering Parcel No. 668.

By its decision dated July 19, 1976, the BLM State Office rejected Lovatt's offer because of his failure to fully execute the drawing entry card, in that he left blank the space provided for indicating the state in which the land is situated.

In his appeal Lovatt argues that since the New Mexico State Office advertises for oil and gas leasing only those parcels which are located in the State of New Mexico, the designation of the state on the drawing entry card would be redundant and serve no purpose, and thus would not constitute a valid reason for rejection of his offer to lease.

Appellant is in error. The New Mexico State Office also leases lands for oil and gas which are situated in the States of Oklahoma and Texas. See 43 CFR 1821.2-1. Moreover, there have been instances where cards intended for a drawing in one state were erroneously filed in the wrong office in another state.

[1] Offers to lease submitted in response to a notice of simultaneous offering must be filed on an approved entry card which is "signed and fully executed by the applicant." 43 CFR 3112.2-1(a). This instruction is clearly stated on the back of the May 1974 version of Form 3112-1, the approved entry card filed by appellants. The Board has held that failure to include in the space provided on the card the name of the state in which the parcel of land is located renders the card incomplete and subject to rejection. Rexmull F. Manyeto, 25 IBLA 218 (1976); Ray Granat, 1/ 25 IBLA 115 (1976); Albert E. Mitchell III, 20 IBLA 302 (1975). The BLM State Office therefore properly rejected appellant's offer.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Frederick Fishman
Administrative Judge

1/ Pending judicial review.

